IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 337 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/12/2004 in WP NO : 24927 OF 2001 on the file of the High Court.)

Between:

M/s. Kakatiya Grameena Bank, Rep. by its Chairman and Disciplinary Authority, Old Bus Depot Road, Ramnagar, Hanamkonda, Warangal District.

..... APPELLANT

AND

Jammalamadugu Vijaya Bhaskar, S/o. James,
R/o. Komukravelli, Cherial Mandal, Warangal District.

.....RESPONDENT

Counsel for the Appellant: MR.K.SRINIVASAMURTHY

Counsel for the Respondent: MR.K.SARVA BHOUMA RAO

The Court made the following :

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JUDGMENT: (Per the Honourable Sri Justice L.Narasimha Reddy)

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The respondent was functioning as a Branch Manager in the appellant bank. He was placed under suspension on 6.9.1997 on the allegation that he resorted to the acts of misappropriation of funds of the Bank. The respondent filed W.P.No.23791 of 2000 challenging the order of suspension. The writ petition was disposed of on 19.4.2001 directing the appellant to conclude the enquiry within a period of six months.

The respondent also filed W.P.No.24927 of 2001 seeking a declaration that the action of the appellant in continuing him under suspension with effect from 6.9.1997 despite the orders of this Court in W.P.No.23791 of 2000 is illegal, arbitrary and malafide and sought a consequential direction, to reinstate him into service, with all attendant benefits.

The appellant filed a counter-affidavit in the writ petition stating that several enquiries had to be initiated against the respondent for various acts and omissions resorted to by him. It was also stated that criminal proceedings were initiated against him. An attempt was made to justify the delay, attributing it, to the pendency of the proceedings before various courts and agencies at different stages. On a consideration of all the submissions made on behalf of the parties, the learned Single Judge allowed the writ petition on 22.12.2002 and directed that the petitioner be taken back into service with all benefits. The same is assailed in this writ appeal.

The learned Counsel for the appellant submits that in pursuance of the order of suspension dated 6.9.1997, a departmental enquiry was conducted and a report was submitted by the Enquiry Officer on 17.10.2004. It is stated that the further steps could not be taken on account of pendency of the certain other proceedings.

The learned Counsel for the respondent Mr. K. Sarvabhouma Rao, on the other hand, submits that the report, dated 17.10.2001 does not relate to the allegations and the charges contained in the order of suspension dated 6.9.1997.

It is matter of record that the respondent was placed under suspension way back on 6.9.1997 and that this Court passed an order on 19.4.2001 in W.P.No.23791 of 2000 directing the appellant to conclude the enquiry within a period of six months. Even assuming that the respondent is facing certain other charges in addition to those contained in the order of suspension dated 6.9.1997, the appellant ought to have

acted in all earnest and concluded the proceedings long back. It is not in the interest of anybody to keep the proceedings pending, for such a long time.

Be that as it may. Once a report has been submitted by an enquiry officer on 17.10.2001, there does not exist any justification on the part of the appellant to keep the matter pending and to continue the suspension of the respondent. The question as to whether the report dated 17.10.2001 relates to the charges contained in the order of suspension dated 6.9.1997 becomes of a secondary importance at this stage. Whatever may have been the reason for not taking further steps in pursuance of the report of the Enquiry Officer, the matter cannot brook any further delay. Time and again, the Supreme Court held that the continued suspension of an Officer beyond a point, becomes a punishment by itself.

For the foregoing reasons, we dispose of the writ appeal with the following directions:

a. The appellant shall pass appropriate orders in accordance with law, on the basis of the report dated 17.10.2001 within a period of four weeks from today;

b. In case no such orders are passed within the time stipulated above or where it is decided not to proceed further against the respondent, he shall be reinstated into service as directed by the learned Single Judge, on expiry of the period of four weeks;

The order in the writ petition is modified, only to the extent as indicated above. No order as to costs.

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Justice T. Meena Kumari

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Justice L. Narasimha Reddy

Dated: 7th April, 2005

Nn/Gurc.

Copy to:

1. The Chairman and Disciplinary Authority, M/s. Kakatiya Grameena Bank, Old Bus Depot Road, Ramnagar, Hanmakonda, Warangal District.

2. Two C.D. copies.